

NATIONAL OCEAN SERVICE ALTERNATIVE WORK SCHEDULE PLAN

/Signed/
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SUPERSEDES AND REPLACES NOS ALTERNATIVE WORK
SCHEDULE PLAN DATED June, 2002

TABLE OF CONTENTS

Preface

1. Organizational Components and Units Covered by the Plan
2. References
3. Types of Work Schedules Permitted
4. Core and Flexible Time Bands
5. Prohibitions or Exclusions
6. Parties Responsible for the Plan
7. Methods and Schedules for Plan Evaluations
8. Modification and Termination Procedures
9. Time Accounting Systems
10. Conditions and Procedures for Restricting or Denying an Individual Employee's Opportunity to Engage in the AWS Program
11. Variations/Exceptions to the Plan

Appendix 1 - Definitions

Attachment 1 - AWS Program Evaluation

Attachment 2 - CD-465, Alternative Work Schedule, Attendance Log

Exhibit 1 - Sample Flexitour Schedule

Exhibit 2 - Sample Maxiflex 10-Day Schedule

Exhibit 3 - Sample Maxiflex Less than 10-Day Schedule

Exhibit 4 - Sample Basic Work Week Schedule

Exhibit 5 - Sample Compressed Schedule (4-Day Work Week)

Exhibit 6 - Sample Compressed Schedule (5/4-9)

PREFACE

The National Ocean Service (NOS) annual Alternative Work Schedule (AWS) Plan evaluation again proved that we have a highly successful program. All offices spoke of the benefits of the NOS AWS Plan and their desire to continue offering employees a plan with maximum flexibility. And, employees are taking advantage of the flexibility with 65% of all NOS employees participating in the Maxiflex schedule.

The new NOS AWS Plan:

- updates the Flexitour program to remove the Department of Commerce restriction on when employees can earn/use credit hours.
- updates the NOS AWS Supervisory Guidance
- updates some names and references

Authority to implement the program is delegated to Program and Staff Office Directors within the context established in the Plan. Any specific Program or Staff Office guidance different from this Plan must be in writing and a copy given to the NOS Management and Budget Office. This document does not preclude unions recognized at NOS from bargaining in accordance with applicable collective bargaining agreements. A copy of any union negotiated agreement on work schedules must be forwarded to the NOS Management and Budget Office.

NOS' intention is to allow maximum flexibility for individual employees, however, participation in AWS is not an employee right. The mission and objectives of the organization must take priority. Program requirements may restrict participation in certain offices.

1. ORGANIZATIONAL COMPONENTS AND UNITS COVERED BY THE PLAN.

All National Ocean Service organizational units are covered by this plan and includes supervisors and managers. Individuals not selecting either the Flexitour, Maxiflex, or Compressed Schedule will be on the Basic Work Week Schedule. Members of the Senior Executive Service (SES), while allowed to participate, are limited to 5-day schedules only. Commissioned Officers of the National Oceanic and Atmospheric Administration (NOAA) are on duty except when on leave or liberty granted in accordance with regulations.

2. REFERENCES. 5 CFR 610, Handbook on Alternative Work Schedules (OPM), and Handbook on Hours of Duty and Leave Administration (DOC).

3. TYPES OF WORK SCHEDULES PERMITTED. Supervisors are authorized to permit or restrict participation in the Alternative Work Schedule (AWS) program. See Section 5. on Prohibitions or Exclusions. As a general rule, an employee may elect one of the following work schedules unless their supervisor has limited participation. Employees represented by a union should refer to their Negotiated Agreement for any work schedule provisions.

A. Flexible Work Schedules

1. Flexitour Schedule. Under this schedule, employees may select a starting time within a flexible time band to begin each 8-hour day. Employees must work a 40-hour week.

a. With supervisory approval based on consideration of work requirements, employees electing this option may pre-set starting times between 6:30 a.m. and 9:30 a.m. The employee must work eight hours a day Monday through Friday. Once selected, the schedule is fixed. Permanent changes to the fixed schedule require one pay period notice.

b. Employees may earn credit hours with supervisory approval and may carry over the maximum of up to 24 hours from one pay period to a subsequent pay period. The use of credit hours, as with other leave, must be approved in advance by the supervisor. Credit hours must be worked within the designated working hours of 6:30 a.m. to 6:30 p.m., Monday through Friday. SES employees are prohibited by regulation from earning credit hours.

2. Maxiflex Schedule. Under this schedule, employees may select starting and ending times within flexible time bands and must work 80 hours a biweekly pay period.

a. With supervisory approval based on consideration of work requirements, employees electing this option may pre-set starting and ending times between 6:30 a.m. and 9:30 a.m. and 3:00 p.m. and 6:30 p.m. respectively. Employees can work up to 10 hours Monday through Friday without claiming overtime in order to work fewer than 5

days a week or 10 days in a biweekly pay period. Employees working after 6:00 p.m. are not entitled to night pay because their tour of duty includes 8 or more hours available for work prior to 6:00 p.m. After the initial work schedule is approved, employees need only turn in a bi-weekly schedule for supervisory approval, one pay period in advance, when there is a change to their schedule. There are no core days within the Monday through Friday workweek; however, employees must be present during core hours on the days they work. Also, employees may vary arrival times on each day of work within a half-hour before or after their scheduled time without supervisory approval as long as the daily work requirement is met. However, this half-hour adjustment cannot be used if it means the employee would work before 6:30 a.m. or after 6:30 p.m. or if an employee's arrival time is 9:30 a.m. For example, if an employee's arrival time is 9:30 a.m., they may "flex" and arrive to work at 9:00 a.m. but cannot "flex" to 10:00 a.m.

b. Employees may earn credit hours with supervisory approval and may carry over the maximum of up to 24 hours from one pay period to a subsequent pay period. The use of credit hours, as with other leave, must be approved in advance by the supervisor. Credit hours must be worked within the designated working hours of 6:30 a.m. to 6:30 p.m., Monday through Friday. SES employees are prohibited by regulation from earning credit hours.

c. When employees use the Maxiflex Schedule to work fewer than 5 days a week or 10 days in a biweekly pay period, they can request a preferred day off. The supervisor must take into account all requests and approve them based on program requirements and office coverage. Preferred days off are subject to rotation on a six-month basis so that all employees have an equitable opportunity to choose a preferred day off.

d. Employees who work fewer than 5 days a week or 10 days in a biweekly pay period should not confuse this flexible work schedule with the formally recognized compressed work schedules as explained in Section B. The regulations on pay, leave and holidays differ from the Maxiflex schedule.

B. Fixed Work Schedules

_____ 1. Compressed Schedule. A compressed schedule is a fixed schedule. Under a compressed schedule an employee must complete 80 hours of work in less than 10 work days.

a. An employee may choose: (1) a four 10-hour day work week for each of two weeks in a pay period or (2) eight 9-hour days and one 8-hour day for a total of nine days (5/4-9) in a pay period.

b. With supervisory approval based on consideration of work requirements, employees electing this option may pre-set starting and ending times

between 6:30 a.m. and 9:30 a.m. and 3:00 p.m. to 6:30 p.m., respectively, Monday through Friday, and select their day(s) off. Once selected, the schedule is fixed and has no flexible timebands. An employee may not vary the daily or weekly tour in any way.

c. If an employee must have a change in their schedule it must be discussed and approved by the supervisor at least one pay period in advance of beginning the new schedule. Requests for changes should occur rarely.

d. Employees cannot earn credit hours.

2. Basic Work Week Schedule. Under this schedule employees work ten 8-hour days.

a. Employees work the NOS official work hours of 8:00 a.m. to 4:30 p.m., Monday through Friday, 10 days in a bi-weekly pay period.

b. Employees cannot earn credit hours.

4. CORE AND FLEXIBLE TIME BANDS.

A. Core Hours/Days. Employees must be on duty, regardless of their maxiflex schedule, during the core hours of 9:30 a.m. to 3:00 p.m. on days of work with the following exceptions: (1) employees are on approved leave or (2) employees, with advance supervisory approval, are allowed to extend their hours to fulfill their work hour requirement. Employees on the Compressed and Basic Work Week Schedules must take leave for periods absent. There are no core days within the Monday through Friday workweek.

B. Flexible Time Bands. The flexible time bands from which employees may choose their starting and ending times are 6:30 a.m. to 9:30 a.m. and 3:00 p.m. to 6:30 p.m.

C. Lunch Period. On any workday of five hours or more employees must include a 30-minute lunch period. The 30-minute lunch period must be taken no earlier than 11:00 a.m. and the employee must return no later than 2:00 p.m. Lunch periods cannot be used at the beginning or ending of a day.

5. PROHIBITIONS OR EXCLUSIONS. Members of the SES, while not prohibited by regulation from participating in AWS, can only participate in a 5-day schedule and they cannot earn credit hours. Credit hours which an SES employee accumulated prior to appointment in the SES must be used within six months of appointment in the SES. SES members who fail to use their credit hours within the six month limitation may not receive any compensation for the unused hours.

NOAA Commissioned Officers are not included in this plan. All other managers and

supervisors have the option to participate as long as their managerial, supervisory, program and policy responsibilities will not be adversely affected by an AWS schedule.

Participation in any of the schedules is voluntary; however, participation is not an employee right. First line supervisors must approve the participation of any employee within their respective unit prior to scheduling. Supervisors may limit hours worked or terminate participation as described in Section 10. Supervisors may refuse to authorize participation in situations where the employees' duties must be performed at certain times which are inconsistent with AWS, situations in which all employees or a specific group of employees must work together as a team, or when participation will adversely affect customer service or daily operations.

In addition, supervisors can direct employees to work a different schedule in the event official travel and/or training is scheduled for one or more days during a pay period, or if special work requirements dictate changing their schedule. Employees may be given one pay period advance notice of this scheduling change, when such notice is possible.

6. PARTIES RESPONSIBLE FOR THE PLAN.

A. The Assistant Administrator (AA) is responsible for the overall administration of the AWS Plan, reviewing and approving annual evaluations, making any necessary modifications or terminations, and granting special exceptions.

B. The Director, Management and Budget Office (N/MB), is the coordinator of the plan and will address questions and resolve problems in implementation. The Director, N/MB, will coordinate the annual evaluations and through this process will keep the AA apprised of the impact of the plan on NOS operations.

C. The Program and Staff Office Directors are responsible for implementing and administering the plan for their respective offices and for conducting the annual evaluations described in Section 7. Any Program or Staff Office Director who modifies this plan within these guidelines must submit a copy of the modified plan to the Director, N/MB.

D. Supervisors will approve or disapprove individual employee participation, schedule hours, monitor working hours, participate in the monitoring and evaluation process, establish time accounting systems and certify time and attendance reports. Supervisors are responsible for ensuring that their respective units are meeting their organization's prescribed mission and that schedules are coordinated to ensure office coverage during the official work hours.

E. Employees will submit requests to participate, coordinate their schedules with their supervisors, and comply with the requirements of the plan.

7. METHODS AND SCHEDULES FOR PLAN EVALUATIONS. Evaluation of the plan will be conducted annually. Each Program or Staff Office Director will be responsible for

conducting the annual evaluation and forwarding the results of the evaluation to the Director, Management and Budget Office, using the AWS Program Evaluation form, Attachment 1. The Assistant Administrator will review the overall NOS evaluation to determine where modifications to the plan are necessary.

8. MODIFICATION AND TERMINATION PROCEDURES. The NOS Assistant Administrator may modify or terminate the plan in a specific Program or Staff Office or the NOS as a whole at any time. Before modifying or terminating the plan, the Assistant Administrator will meet with Program and Staff Office Directors to discuss the proposed decision. If possible, a one-month notice will be given before any decision to modify or terminate a schedule is effected.

All modifications or terminations will be based on findings of the evaluation process, adherence to plan provisions, adequacy of coverage or efficiency of operation. Employers must meet bargaining obligations with the unions in cases of terminations and/or modifications.

9. TIME ACCOUNTING SYSTEM. NOAA approved the use of quarter hour increments for leave and credit hours effective April 2, 1995 (reference Stewart Remer's memorandum on Leave Administration dated March 31, 1995). Employees can use quarter hours unless their office has an exception. Schedules may also begin or end work in 15-minute increments (i.e., 7:15-3:45).

In accordance with the Handbook on Hours of Duty and Leave Administration, Section 3, Alternative Work Schedules, the heads of subordinate units must establish a time accounting system.

A record of the system to be used must be kept of file. Systems can include the CD-465, Alternative Work Schedule Attendance Log, T&A Software Worksheet, supervisory observance, occasional telephone calls to employees at times the supervisor is not present, reasonableness of work output for time spent, etc. The CD-465 (Attachment 2) will be the default system and used in the absence of a time accounting system on record.

10. CONDITIONS AND PROCEDURES FOR RESTRICTING OR DENYING AN INDIVIDUAL EMPLOYEE'S OPPORTUNITY TO ENGAGE IN THE AWS PROGRAM.

Individual employees may be removed from participation in the AWS program: 1) in the event of the employee's misconduct (including failure to adhere to the NOS AWS Plan provisions) or below fully successful work performance; or, 2) if their participation results in serious adverse impact to mission activities or objectives of the organization.

If the employee's misconduct is failure to adhere to the written provisions of this Plan, the employee will receive written warning and an opportunity to correct the misconduct. An employee who has been removed from participation in the program due to any misconduct or poor performance must wait at least six months before he/she can seek the approval of his/her supervisor to once again participate.

11. VARIATIONS/EXCEPTIONS TO THE PLAN. The supervisor of an office which cannot fulfill its mission under the above rules must file an "Exception to the Plan" request to the NOS Assistant Administrator through the Director, Management and Budget Office. The request should be a memorandum and forwarded through the official chain of command. It should describe the exception and outline the reasons the office cannot function under the AWS Plan. Any higher level supervisor in the normal chain of command may, as part of the supervisor's management prerogative, deny the request for exception to the policy. However, only the NOS Assistant Administrator may approve an exception.

12. PERSON TO CONTACT: **Mary Leach, Deputy Director, Management
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301-713-3056**

APPROVED BY: **Alan Neuschatz, Associate Assistant
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301-713-3056**

DEFINITIONS.

Alternative Work Schedule (AWS): Refers to flexible and compressed work schedules.

Basic Work Week Schedule: The officially prescribed days and hours during which a full-time employee is entitled to basic pay (e.g., Monday through Friday, 8:00 a.m. to 4:30 p.m., with one-half hour lunch period.)

Compressed Work Schedule (CWS): (1) in the case of a full-time employee, an 80-hour biweekly basic work requirement that is scheduled by an agency for less than 10 workdays; and (2) in the case of a part-time employee, a biweekly basic work requirement of less than 80 hours that is scheduled by an agency for less than 10 workdays and that may require the employee to work more than 8 hours in a day. (See 5 U.S.C. 6121(5).)

Core Time: Those designated hours and days during the biweekly pay period when an employee on a flexible schedule must be present for work or covered by official absence or leave. Core hours are 9:30 a.m. to 3:00 p.m. with one-half hour for lunch. NOS has no core days.

Credit Hours: Those hours within a flexible work schedule that an employee elects to work in excess of his or her basic work requirement so as to vary the length of a workweek or workday. Credit hours must be worked within the designated working hours of 6:30 a.m. to 6:30 p.m., Monday through Friday.

Flexible Work Schedule (FWS): A work schedule established under 5 U.S.C. 6122, that (1) in the case of a full-time employee, has an 80-hour biweekly basic work requirement that allows an employee to determine his or her own schedule within the limits set by the agency; and (2) in the case of a part-time employee, has a biweekly basic work requirement of less than 80 hours that allows an employee to determine his or her own schedule within the limits set by the agency.

Flexitour: A flexible work schedule which requires an employee to work 8 hours a day and 40 hours each workweek. The employee may choose his or her arrival and departure time. Once chosen, the employee must keep to the same schedule until the next opportunity to select a different schedule arises.

Holidays: Under an FWS program, (1) a full time employee who is relieved or prevented from working on a day designated as a holiday (or an "in lieu of" holiday under 5 U.S.C. 6103(b) or section 3 of E.O. 11582) by Federal statute or Executive order is entitled to his or her rate of basic pay on that day for **8 hours**. (See 5 U.S.C. 6124.)

(2) If a holiday falls on a day during a part_time FWS employee's tour of duty and the employee is relieved or prevented from working on that day, the employee is entitled to his or her rate of basic pay for the typical, average, or scheduled number of hours of work for that day toward his or her basic work requirement (not to exceed 8 hours). If a part_time FWS employee has maintained a reasonably consistent schedule for several pay periods, the employee may be paid for the number of hours he or she would have worked had the holiday not relieved or prevented the employee from working (not to exceed 8 hours). If a part_time employee has no typical schedule, the agency may average the number of hours worked in prior weeks on days corresponding to the holiday to determine an employee's pay entitlement for that holiday (not to exceed 8 hours). (See 5 CFR 610.405.)

Under a CWS program: (1) a full_time employee who is relieved or prevented from working on a day designated as a holiday (or an "in lieu of" holiday under 5 U.S.C. 6103(b) or (d) or section 3 of E.O. 11582) by Federal statute or Executive order is entitled to his or her rate of basic pay for **the number of hours** of the compressed work schedule on that day. (See 5 CFR 610.406(a).)

(2) If a holiday falls on a day during a part_time employee's scheduled tour of duty and the employee is relieved or prevented from working on that day, the employee is entitled to his or her rate of basic pay for the number of hours he or she normally would have been scheduled to work that day. (See 5 CFR 610.406(b).)

In Lieu of Holiday: The day designated as a holiday when the holiday falls on an employee's regularly scheduled non-workday. When a holiday falls on the non-workday outside a full-time employee's basic workweek, the day to be treated as the employee's holiday, the in lieu of day, is the workday before the non-workday unless the holiday falls on Sunday - then the subsequent workday is the holiday. This is true for all employees including those on flexible and compressed work schedules. Reminder, employees on flexible schedules have the option of moving their scheduled day off to another day of the week.

Lunch Period: A period of time during the workday when an employee is free from the performance of official duties. The one-half hour lunch period may be scheduled on a flexible basis with the approval of the immediate supervisor. Lunch periods shall not be taken at the start or end of the day's tour of duty and will start no earlier than 11:00 a.m. and end no later than 2:00 p.m.

Maxiflex Schedule: A flexible work schedule that contains core hours on fewer than 10 work days in the biweekly pay period and in which an employee has a basic work requirement of 80 hours for the biweekly pay period, but in which an employee may vary the number of hours worked on a given workday or the number of hours each week within the limits established by NOS.

Official Office Hours: Official office hours will be 8:00 a.m. to 4:30 p.m. Each office will provide "office coverage," including all customer service functions, during these hours. This "office coverage" will include all necessary supervisory, technical, and clerical employees.

Overtime Hours: Under an FWS program, overtime hours are all hours of work in excess of 8 hours in a day or 40 hours in a week which are officially ordered in advance by management. (See the definition of "overtime hours" at 5 U.S.C. 6121(6). The requirement that overtime hours be officially ordered in advance also applies to nonexempt employees under the Fair Labor Standards Act (FLSA). Employees on flexible work schedules may not earn overtime pay as a result of including "suffered or permitted" hours (under the FLSA) as hours of work. See 5 CFR 551.401(a)

Under a CWS program, who is exempt from the FLSA, overtime hours are all officially ordered and approved hours of work in excess of the compressed work schedule. For a full_time employee who is covered by the FLSA (non_exempt), overtime hours also include any hours worked outside the compressed work schedule that are "suffered or permitted." For a part_time employee, overtime hours are hours in excess of the compressed work schedule for a day (but must be more than 8 hours) or for a week (but must be more than 40 hours).

AWS PROGRAM EVALUATION

ORGANIZATION _____

OF EMPLOYEES WORKING:

MAXIFLEX _____

FLEXITOUR _____

COMPRESSED (5/4-9)

COMPRESSED (4-Day Workweek) _____

BASIC _____

DO YOU HAVE ANY PROBLEMS WITH THE CURRENT OPERATING HOURS?:

6:30 AM TO 6:30 PM WITH CORE HOURS 9:30 AM TO 3:00 PM NO _____ IF

YES, EXPLAIN _____

ADEQUACY OF SERVICE TO CLIENT POPULATION:

IDENTIFICATION OF PROBLEMS:

WHAT WAS DONE TO RESOLVE PROBLEMS?:

RECOMMENDATIONS FOR CHANGES TO THE PLAN:

IS THIS OFFICE ADHERING TO THE PROVISIONS OF THE NOS AWS PLAN?

YES _____ NO _____

If no, explain what exceptions have been approved and for what offices. _____

DO YOU REQUEST AN EXTENSION OF YOUR CURRENT EXCEPTION(S) TO THE NOS AWS PLAN? YES _____ NO _____ **Any Modifications?**

Signature and Date